

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Karl Emil Groth, Theodore Charles Kelly, Todd L. Westerbeck, and Gary Blick

Docket No.: FCM1005USC2

Anticipated Classification of this application:

Class _____ Subclass _____

Prior Application:

Examiner: Thomas Barrett

Group Art Unit: 3738

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

This is a request for the filing under 37 C.F.R. § 1.53(b) of a ☒ continuation, ☐ divisional, ☐ continuation-in-part of pending prior application Serial No. 09/951,830, filed September 13, 2001, which is a continuation of Serial No. 09/484,360, filed January 14, 2000, entitled TREATMENT OF HEPATITIS C USING HYPERTHERMIA and naming as inventors Karl Emil Groth having an address of 505 Holly Avenue, St. Paul, MN 55102, Theodore Charles Kelly having an address of 4515 Saddlewood Drive, Minnetonka, MN 55345, Todd L. Westerbeck having an address of 1713 Rioloma Drive, Burnsville, MN 55337, and Gary Blick having an address of 312 Erskine Road, Stamford, CT 06903.

1. ☒ Enclosed are 1 title page, 30 pages of specification, 10 pages of claims (93 claims), 1 page of abstract, and 6 sheets of formal drawings.
2. ☒ Enclosed is an executed Declaration and Power of Attorney (4 pages) from the parent application Serial No. 09/484,360.

Certificate of Mailing/Transmission (37 C.F.R. § 1.10)

I hereby certify that this paper or fee is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Mailing Label No. EL 979046995 US and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

Date: September 22, 2003

Signature:

Name: Jodi Jung



3. ☒ Incorporation by Reference. The entire disclosure of the prior application is considered to be part of the disclosure of the accompanying application and is hereby incorporated by reference.
4. ☒ The filing fee is calculated below.

CLAIMS FOR FEE CALCULATION (SMALL ENTITY)					
Number Filed		Number Extra		Rate	Basic Fee \$375.00
Total Claims	1	0	X	\$9.00	\$0
Independent Claims	1	0	X	\$42.00	\$0
Multiple Dependent Claims				\$140.00	\$0
Total					\$375.00

5. ☒ The Commissioner is hereby authorized to charge any deficiency in fees which may be required, or credit any overpayment to Deposit Account No. 16-2312. A duplicate copy of this sheet is enclosed for that purpose.
6. ☒ A check in the amount of \$375.00 is enclosed to cover the required filing fees.
7. ☒ Cancel in this application original claims 2 to 93 of the prior application before calculating the filing fee.
8. ☒ Amend the specification by adding the following paragraph before the first paragraph: This application is a continuation of co-pending U.S. Application No. 09/951,830, filed September 13, 2001, which is a continuation of U.S. Application No. 09/484,360, filed January 14, 2000, now U.S. Patent No. 6,347,633, issued February 19, 2002, the contents of each of which are hereby incorporated herein by reference.
9. ☐ ___ sheets of new formal drawings are enclosed.

- 10a. ☐ Priority of application serial no. _____ filed on _____, in the _____ is claimed under 35 U.S.C. § 119.
- 10b. ☐ The certified copy was submitted to the U.S.P.T.O. in prior application serial no. _____, filed _____.
11. ☒ The Assignment records in the Patent and Trademark Office indicate that the parent application no. 09/484,360 is assigned to: First Circle Medical. This Assignment is recorded at Reel 011773, Frame 0367.
12. ☒ A Verified Statement Claiming Small Entity Status (2 pages) is enclosed.
13. ☒ The Power of Attorney in the parent application is to Thomas E. Popovich (Reg. No. 30,099), Terry L. Wiles (Reg. No. 29,989) Patrick J. O'Connell (Reg. No. 33,984), Miriam G. Simmons (Reg. No. 34,727), and another.
- a. ☒ The power appears in the original papers in the parent application.
- b. ☒ A copy of the power in the prior application is enclosed.
- c. ☒ Address all future communications to:
Thomas E. Popovich, Esq. (30,099)
Popovich & Wiles, PA
Suite 1902, IDS Center
80 South 8th Street
Minneapolis, MN 55402

14. ☒ A Preliminary Amendment (4 pages) is enclosed.

Respectfully submitted,

Dated: September 22, 2003 By Patrick J. O'Connell
Customer No. 009561
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